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LEGISLATIVE CONSULTANT

EUGENE MALISZEWSKYJ
DIRECTOR OF ENGINEERING
PRIVATE RADIO

SEAN A. AUSTIN
DIRECTOR OF ENGINEERING
COMMERCIAL RADIO

November 2, 2000

RECEIVED

NOV 2 2000

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

WRITER'S CONTACT INFORMATION

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* ADMITTED ONLY IN CALIFORNIA
SUPERVISION BY JOHN PRENDERGAST.
A MEMBER OF THE DC BAR

By Hand Delivery

Ms. Magalie Roman Salas, Secretary
Office of the Secretary
Federal Communications Commission
445 12th Street, SW, Room TW-A325
Washington, DC 20554

Re: *Ex Parte* Presentation: WT Docket No. 99-87

Dear Ms. Salas:

Pursuant to Section 1.1206 (b) of the Commission's Rules, we are hereby submitting the attached memorandum summarizing the *ex parte* discussions and/or submission of documents by the Central Station Alarm Association, with the staff of each of the Commissioners, as well as the Wireless Telecommunications Bureau staff members shown on the attached service list.

An original and one copy of this letter are provided for inclusion in the record in this proceeding.

Sincerely,



John A. Prendergast
Counsel to Central Station Alarm Association

No. of Copies rec'd. 019
List ABOVE

THE ALARM INDUSTRY SHOULD BE EXEMPT FROM SPECTRUM AUCTIONS

Central Station Alarm Association (CSAA) believes that the auction of shared private radio spectrum in the UHF band is problematic, at best, because the spectrum is heavily licensed, and the public is unlikely to recover any substantial value for this spectrum. The greatest value of this spectrum to the public is in the continued site-by-site licensing as presently allowed under the Commission's Rules. If the Commission nonetheless decides to auction the UHF band pursuant to WT Docket No. 99-87, *it is important to exempt alarm company radio operations on the existing central station-only frequencies from such auctions:*

- **Alarm Frequency Operations Protect Public Safety:** Alarm companies protect citizens from burglary, fire, and medical emergencies, allowing them to rapidly summon help. The small number of frequencies shown in Attachment A are channels that are already restricted to central station alarm operations only, pursuant to Rule Section 90.75(c). Moreover, these frequencies are used to transmit alarm signals, to dispatch security guards, and to communicate directly with police and fire department personnel, pursuant to Rule Section 90.75(c) (40). The central station-only use restrictions of Section 90.75(c) are reproduced as Attachment B.
- **Alarm Frequencies Qualify for the Statutory Public Safety Exemption:** The Balanced Budget Act of 1997, Pub. L. No. 105-33, instructs the FCC that "private internal radio services used by ... non-government entities... , that are used to protect the safety of life, health or property" should be exempt from spectrum auctions. Alarm operations qualify for this exemption. Several members of Congress have contacted the Commission to express agreement that central station alarm frequencies should be exempt under the Balanced Budget Act, including Senators and Congressmen from both parties (*e.g.*, Senator Mikulski (D-MD), Senator Fitzgerald (R-IL), Congressman Engel (D-NY), Congressman Towns (D-NY), and Congressman Stearns (R-FL)). Some of these letters, and the Commission's response, are included as Attachment C. Congressman Shimkus (R-IL) raised his concern about protection of alarm frequencies during the testimony of Thomas Sugrue, Chief, Wireless Telecommunications Bureau, before the House Subcommittee on Telecommunications, Trade and Consumer Protection, reviewing the FCC's spectrum policies, on July 19, 2000. See Attachment D.
- **The Proposed Exemption is Limited in Scope:** CSAA is cognizant that the public safety exemption applies to spectrum, rather than applicants. Therefore, CSAA is requesting an exemption only for those channels currently bearing the central station-only use restriction, as explained above. CSAA does not seek access to present or future public safety spectrum allocations.
- **Public Safety Community Support:** The public safety community has evaluated the alarm industry's proposed exemption, and does not oppose exempt status for the alarm spectrum. To this end, APCO submitted an *ex parte* presentation to the Commission on October 25, 2000, confirming that it does not object to CSAA's proposal. *See* Attachment E. Likewise, the International Association of Chiefs of Police (IACP) has indicated its support to CSAA,

and is submitting an *ex parte* letter to this effect. None of the commenters to WT Docket No. 99-87 have opposed CSAA's exemption. *See* Attachment F

- **Auctions Would Harm Small Businesses and Jeopardize Safety:** Most alarm companies are small businesses. The frequencies used by alarm companies constitute a tiny fraction of the available spectrum (approximately one fourth of one MHz), and currently are restricted to central station alarm operations only. CSAA is concerned that this spectrum may be lumped-in with non-restricted channels in a spectrum auction, allowing for incompatible radio operations on these frequencies. A spectrum auction would thereby expose radio alarm signals to harmful interference from the auction winner, potentially blocking the report of a burglary, fire, or heart attack.
- **Alarm Frequencies are Unsuitable for Auction:** Most of the central station frequencies are now designated as part of the "Low-Power Pool" designated by the Commission with the consensus of the frequency coordinators. These low power channels are especially unsuited to the auction format, since this pool is set aside for the migration of low-power operations, thereby allowing the wider use of the narrowband channels created by the Commission's Refarming Initiative for high power operations. The FCC's auction design (to sell large parcels of spectrum over a wide geographic area) does not make sense when applied to alarm operations, which generally need priority access to frequencies over a relatively confined area.
- **Alarm Radio Operations Preserve Public Safety Resources:** Police and fire departments depend on alarm companies to transmit reports of emergencies, so that these agencies can focus their resources on a rapid response. Government agencies also depend on alarm radio links for the security of sensitive government installations.

ATTACHMENT A

CENTRAL STATION ALARM FREQUENCIES

Base Frequency	Mobile Frequency	Status	Max Bandwidth	Max Power
460.90000	465.90000	Shared	20 kHz	90.205
460.90625	465.90625	Shared	6 kHz	2 watts
460.91250	465.91250	Shared	11.25 kHz	2 watts
460.91875	465.91875	Shared	6 kHz	2 watts
460.92500	465.92500	Shared	20 kHz	90.205
460.93125	465.93125	Shared	6 kHz	2 watts
460.93750	465.93750	Shared	11.25 kHz	2 watts
460.94375	465.94375	Shared	6 kHz	2 watts
460.95000	465.95000	Shared	20 kHz	90.205
460.95625	465.95625	Shared	6 kHz	2 watts
460.96250	465.96250	Shared	11.25 kHz	2 watts
460.96875	465.96875	Shared	6 kHz	2 watts
460.97500	465.97500	Exclusive	20 kHz	90.205
460.98125	465.98125	Exclusive	6 kHz	2 watts
460.98750	465.98750	Exclusive	11.25 kHz	2 watts
460.99375	465.99375	Exclusive	6 kHz	2 watts
461.00000	466.00000	Exclusive	20 kHz	90.205
461.00625	466.00625	Exclusive	6 kHz	2 watts
461.01250	466.01250	Exclusive	11.25 kHz	2 watts
461.01875	466.01875	Exclusive	6 kHz	2 watts

NOTES:

1. "Shared" means that within the boundaries of urbanized areas of 200,000 or more population, the frequency is available for assignment exclusively to companies providing a UL-listed central station electrical protection service. The frequency is available for assignment to other Industrial/Business Pool applicants only when all base, mobile relay and control stations are located at least 75 miles from the city centers of the specified urbanized areas of 200,000 or more population.
2. "Exclusive" means that the frequency may be assigned only to persons rendering a central station commercial protection service.

ATTACHMENT B

(63) Within the boundaries of urbanized areas of 200,000 or more population, defined in the United States Census of Population, 1960, vol. 1, table 23, page 1-50, this frequency may be used only by persons rendering a central station commercial protection service within the service area of the radio station utilizing the frequency and may be used only for communications pertaining to safety of life and property, and for maintenance or testing of the protection facilities. Central Station commercial protection service is defined as an electrical protection and supervisory service rendered to the public from and by a central station accepted and certified by one or more of the recognized rating agencies, or the Underwriters Laboratories' (UL), or Factory Mutual System. Other stations in the Industrial/Business Pool may be licensed on this frequency only when all base, mobile relay and control stations are located at least 120 km (75 miles) from the city center or centers of the specified urbanized areas of 200,000 or more population. With respect to combination urbanized areas containing more than one city, 120 km (75 mile) separation shall be maintained from each city center which is included in the urbanized area. The locations of centers of cities are determined from appendix, page 226, of the U.S. Commerce publication "Air Line Distance Between Cities in the United States."

(64) Persons who render a central station commercial protection service are authorized to operate fixed stations on this frequency for the transmission of tone or impulse signals on a secondary, noninterference base-to-base/mobile operations subject to the following conditions and limitations:

- (i) Secondary fixed operations may be used only for the following purposes:
 - (A) Indication of equipment malfunction;
 - (B) Actuation of a device to indicate the presence of an intruder, fire, or other hazardous condition on the property under the protection of the licensee;
 - (C) Indication of an abnormal condition in facilities under the protection of the licensee that, if not promptly reported, would result in danger to human life;
 - (D) Transmission, as may be necessary, to verify status of equipment; adjust operating conditions; or correct any abnormal condition; or
 - (E) Confirmation of status, or that an operation or correction has been accomplished.
- (ii) The maximum duration of any one non-voice signal may not exceed 2 seconds and shall not be transmitted more than three times.
- (iii) Systems employing automatic interrogation shall be limited to non-voice techniques and shall not be activated for this purpose more than 10 seconds out of any 60-second period. This 10-second frame includes both transmit and response times.
- (iv) The bandwidth shall not exceed that authorized to the licensee for the primary operation on the frequency concerned.
- (v) Frequency loading resulting from the use of secondary signaling will not be considered in whole or in part as a justification for authorizing additional frequencies in the licensee's mobile system.
- (vi) A mobile service frequency may not be used exclusively for secondary signaling.
- (vii) The output power shall not exceed 30 watts (at the remote site).
- (viii) A1D, A2D, F1D, or F2D emission may be authorized.

(ix) The transmitter shall be designed to deactivate automatically after 3 minutes of continuous carrier radiation.

(x) Operational fixed stations authorized under this paragraph are exempt from the requirements of §§90.137(b), 90.429(d), 90.425 and 90.433.

(xi) On these frequencies, base, mobile relay or mobile stations may transmit secondary tone or impulse signals to receivers, as provided in this section.

(65) Licensees providing a central station commercial protection service may communicate with police or fire stations, or vehicles, on this frequency, and may install licensed transmitting units which operate on this frequency at police or fire stations, or in police or fire vehicles, if the frequency's primary use is in a base/mobile system for a central station commercial protection service.

(66) This frequency may be assigned only to persons rendering a central station commercial protection service, which is defined in paragraph (c)(63) of this section, within the service area of the radio station utilizing the frequency.

ATTACHMENT C

CLIFF STEARNS

6TH DISTRICT, FLORIDA

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WASHINGTON, DC 20515-0906(202) 225-5744
FAX: (202) 225-3973uscarns@mail.house.gov
<http://www.house.gov/uscarns/welcome.html>**Congress of the United States****House of Representatives****Washington, DC 20515-0906****November 2, 2000****COMMITTEE ON COMMERCE****SUBCOMMITTEES:****ENERGY AND POWER, VICE CHAIRMAN**
TELECOMMUNICATIONS, TRADE, AND
CONSUMER PROTECTION
HEALTH AND ENVIRONMENT**COMMITTEE ON VETERANS' AFFAIRS****SUBCOMMITTEES:****HEALTH, CHAIRMAN****REPUBLICAN POLICY COMMITTEE****AIR FORCE CAUCUS, CO-CHAIRMAN**

William Kennard, Chairman
Federal Communications Commission
445 12th Street, SW. Room 8-B201H
Washington, DC 20554

Re: WT Docket No. 99-87

Dear Chairman Kennard:

It has come to my attention that the FCC is considering the auction of private radio spectrum in the above referenced proceeding. I am expressing my support for the request of the alarm industry that it be exempted from such auctions as a safety related operation. Alarm companies use radios to detect burglaries, fire alarms and medical emergencies, and to summon emergency personnel. This is the sort of private internal radio service "used to protect the safety of life, health or property" that Congress exempted from FCC auction authority, when we amended 47 U.S.C. § 309(j)(2), as part of the Balanced Budget Act of 1997, Pub. L. No. 105-33, Title III, 111 Stat. 251.

An exemption would affect only a small amount of spectrum (approximately one fourth of one megahertz), and this spectrum is already restricted by FCC Rules to use for central station alarm operations, to send alarm signals, and to "communicate with police or fire stations, or vehicles..." [47 CFR Section 90.75(c)(40)]. The alarm signaling on this small amount of spectrum already uses some of the most efficient "narrowband" equipment available, with a bandwidth of only five kilohertz, which is more efficient than the FCC currently requires. If these channels are thrown into an auction, there is a likelihood that incompatible radio users will gain access to the spectrum, causing interference and creating the risk that vital alarm signals and calls to police and fire/rescue will not get through.

To prevent this threat to safety, I strongly urge the Commission to recognize the existing central station alarm channels as precisely the types of radio operations that Congress intended to exempt from spectrum auctions when it enacted the above-quoted language amending Section 309(j)(2) of the Communications Act.

Sincerely,

Cliff Stearns
United States Representative

CS:aa

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EDOLPHUS "ED" TOWNS
MEMBER OF CONGRESS
10TH DISTRICT, NEW YORK

COMMERCE
HEALTH AND ENVIRONMENT
RANKING MEMBER
FINANCE AND HAZARDOUS
MATERIALS

GOVERNMENT REFORM
NATIONAL SECURITY,
VETERANS AFFAIRS AND
INTERNATIONAL RELATIONS
CRIMINAL JUSTICE, DRUG POLICY
AND HUMAN RESOURCES

Congress of the United States
House of Representatives
Washington, DC 20515-3210

July 10, 2000

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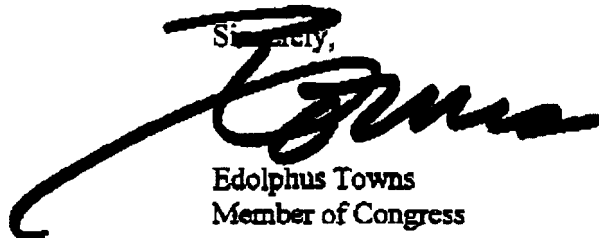
Chairman William E. Kennard
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Chairman Kennard:

It has come to my attention that the FCC is considering the auction of private radio spectrum in the above referenced proceeding. I am expressing my support for the request of the alarm industry that it be exempted from such auction as a safety-related operation. Alarm companies use radios to detect burglaries, fire alarms and medical emergencies, and to summon emergency personnel. This is the sort of private internal radio service "used to protect the safety of life, health or property" that Congress exempted from FCC auction authority, when we amended 47 U.S.C. § 309(j)(2), as part of the Balanced Budget Act of 1997, Pub.L.No. 105-33, Title III, 111 Stat. 251.

Thank you for your time and consideration of my views. Please do not hesitate to contact Jeffrey Davis, Legislative Counsel, in my office if you have any questions or concerns.

Sincerely,



Edolphus Towns
Member of Congress

ET:jrd

ELIOT L. ENGEL
17TH DISTRICT, NEW YORK

COMMITTEE:
COMMERCE

SUBCOMMITTEES:
TELECOMMUNICATIONS, TRADE, AND
CONSUMER PROTECTION

FINANCE AND HAZARDOUS MATERIALS

2203 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20615-3217
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Congress of the United States
House of Representatives
Washington, DC 20515-3217

August 15, 2000

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30 SOUTH WOODBURY
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The Honorable William Kennard
Chairman
Federal Communications Commission
445 12th Street, SW, Room 8-B201H
Washington, DC 20554

Re: WT Docket No. 99-87

Dear Chairman Kennard:

It has come to my attention that the FCC is considering the auction of private radio spectrum in the above referenced proceeding. I write to urge that the alarm industry be exempted from such auctions as a safety-related operation. Alarm companies use radios to detect burglaries, fire alarms and medical emergencies, and to summon emergency personnel. This is just the sort of private internal radio service "used to protect the safety of life, health or property" that Congress exempted from FCC auction authority, when it amended 47 U.S.C. § 309(j)(2), as part of the Balanced Budget Act of 1997, Pub. L. No. 105-33, Title III, 111 Stat. 251.

As you are aware, an exemption would affect only a small amount of spectrum (approximately one fourth of one megahertz), and this spectrum is already restricted by FCC Rules to use for central station alarm operations, to send alarm signals, and to "communicate with police or fire stations, or vehicles. . . ." (47 CFR Section 90.75(c)(40)). The alarm signaling on this small amount of spectrum already uses some of the most efficient "narrowband" equipment available, with a bandwidth of only five kilohertz -- more efficient than the FCC currently requires. If these channels are thrown into an auction, there is a likelihood that incompatible radio users will gain access to the spectrum, causing interference and creating the risk that vital alarm signals and calls to police and fire/rescue will not get through.

To prevent this threat to safety, I strongly urge the Commission to recognize the existing central station alarm channels as precisely the types of radio operations that

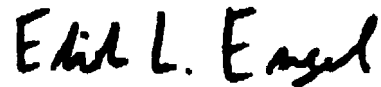
The Honorable William Kennard

August 15, 2000

page two

Congress intended to exempt from spectrum auctions when it enacted the above-quoted language amending Section 309(j)(2) of the Communications Act.

Sincerely,

A handwritten signature in black ink that reads "Eliot L. Engel". The signature is written in a cursive, slightly slanted style.

Eliot L. Engel
Member of Congress



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

September 13, 2000

The Honorable Peter G. Fitzgerald
United States Senate
555 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Fitzgerald:

Thank you for your letter concerning the Commission's licensing of spectrum used by the alarm industry. In your letter, you ask the Commission to consider exempting radio spectrum used by the alarm industry from licensing by auction as a safety-related operation.

Your request relates to implementation of the Balanced Budget Act of 1997 ("BBA"), which generally expanded the Commission's auction authority but also provided an exemption from auctions for "public safety radio services." On March 19, 1999, the Commission adopted a *Notice of Proposed Rule Making*, WT Docket No. 99-87, seeking comment on these statutory revisions to its auction authority, including the scope of the exemption from competitive bidding for public safety radio services. Currently the Commission administers a "Public Safety Radio Pool," which is comprised of radio services such as Local Government, Police, Fire, Highway Maintenance, Forestry-Conservation, and Emergency Medical Radio Services. Based on the statutory language and legislative history of the exemption, the *Notice* seeks comment on whether these and other private radio services, or frequency bands within services, are included in the statutory definition of "public safety radio services." Within the context of this question, private alarm companies had an opportunity to comment upon whether their use of the spectrum is included in the statutory definition of "public safety radio services."

The *Notice* also seeks comment on the eligibility or use restrictions that should be established for non-government entities seeking licenses in the public safety radio services. The *Notice* specifically acknowledges that certain non-government entities are currently eligible for licensing in the Public Safety Pool services. The Commission also has received a petition for rule making from United Telecom Council, the American Petroleum Institute, and the Association of American Railroads, suggesting that the Commission create a radio pool open to entities that do not qualify for the existing Public Safety Pool, but that petitioners contend are eligible to use public safety radio services. The *Notice* seeks comment on this proposal, as well.

Because the BBA proceeding is still pending, the Commission has not reached any final conclusions about the scope of the public safety exemption or its potential application to

spectrum used by the alarm industry. Based on the statutory language and the record in this proceeding, we intend to evaluate whether our licensing processes should change, if at all, in the interest of sound spectrum management. I hope to see the Commission to release a Report and Order on this matter before the end of this year.

I appreciate your interest in this matter. We will certainly consider your views in this proceeding.

Sincerely,

A handwritten signature in black ink, appearing to read "William E. Kennard". The signature is fluid and cursive, with the first name "William" and last name "Kennard" clearly distinguishable.

William E. Kennard
Chairman

ATTACHMENT D

1 | Court Reporting Services, Inc.

2 | HIF201120

3 | A REVIEW OF THE FCC'S SPECTRUM POLICIES FOR

4 | THE 21st CENTURY AND H.R. 4758, THE

5 | SPECTRUM RESOURCE ASSURANCE ACT

6 | Wednesday, July 19, 2000

7 | House of Representatives,

8 | Committee on Commerce

9 | Subcommittee on Telecommunications, Trade,

10 | And Consumer Protection

11 | Washington, D.C.

12 | The subcommittee met, pursuant to call, at 10:05 a.m. in
13 | room 2322, Rayburn House Office Building, Hon. W.J. "Billy"
14 | Tauzin [chairman of the subcommittee] presiding.

15 | Present: Representatives Tauzin, Oxley, Stearns,
16 | Largent, Shimkus, Pickering, Markey, Boucher, Rush, Wynn,
17 | Luther, Sawyer, Green and Dingell [ex officio].

1957 still engaged with them on this matter.

1958 Mr. STEARNS. The gentleman's time has expired. The
1959 gentleman from Illinois, Mr. Shimkus is recognized for five
1960 minutes.

1961 Mr. SHIMKUS. Thank you, Mr. Chairman. Let me first
1962 correct for the record something Mr. Hatfield said. He
1963 pointed to me and said I was to the left of Ed Markey. I
1964 don't think I have ever been to the left of Ed Markey, with
1965 all due respect to my friend. I am not sure any of us have
1966 been to the left of Ed Markey.

1967 Mr. MARKEY. Where is Paul Wellstone when you need him?

1968 Mr. SHIMKUS. Since I have been here we have gone from the
1969 spectrum is worth a lot of money to the spectrum is worth
1970 nothing to the spectrum is now worth a lot of money again.
1971 And I have only been here four years. So I am waiting to see
1972 what happens in the next iterations.

1973 But it does speak to the issue of not making budget
1974 prognoses on spectrum because we are never really sure what
1975 technology will do and how it may be in the future, looking
1976 ahead.

1977 I also do some work with the Army War College in
1978 preparing some of these General-wannabes to come before
1979 committees. One thing I tell them is "Always be prepared to
1980 be bushwhacked and know your enemy."

1981 This question is not an attempt to do the bushwhacking,

1982 but it is a question that is directed very similar, not the
1983 same companies, but it has to deal with the private auction
1984 of radio spectrum and the alarm industry.

1985 As I understand in the Balanced Budget Act of 1997 it
1986 instructs the FCC to exempt from spectrum auctions those
1987 private radio operations used to protect the safety, life,
1988 health or property. Alarms can easily qualify for this
1989 exemption. I am interested to hear the FCC's perspective.

1990 The concern is the auction of the large versus the small,
1991 what some think is an exemption for the smaller, regional
1992 type operations and the fear of the crowding out inability
1993 then to expand the business.

1994 Can you give me some of your thoughts, Mr. Sugrue, of the
1995 Commission?

1996 Mr. SUGRUE. Yes. Congress, in 1997, did create this new
1997 category of public safety radio services. We have always had
1998 a category of public safety services but it was clear from
1999 the statutory definition that public safety services were
2000 really Government agencies, police, fire, et cetera.

2001 This new category though is clear that it is broader than
2002 that. It includes some private types of users that are using
2003 the spectrum in a public safety related manner and to deliver
2004 public safety-related type services.

2005 We have a notice outstanding, that is how we initiate a
2006 proceeding, to address just that and to come up with a

2007 definition. We have a full record on that. We should have
2008 an order on that this fall. I would say October, maybe
2009 September, but October is probably safer, to address what
2010 that definition is and how to apply it.

2011 Congress in a sense took away the exemption from auctions
2012 for private services generally, but then put this one back in
2013 for public safety related private services. That is what we
2014 are wrestling with, how to apply those two provisions.

2015 Mr. SHIMKUS. And that is why there is a bit of fear in
2016 the industry because they are not sure how the resolution of
2017 that will be. So I throw that out, as you know, as a
2018 concern.

2019 Let me also talk about an issue that I have heard on
2020 spectrum auctions and when you go to the auction process, if
2021 there is a high demand for a limited commodity, the price and
2022 the revenues to the Government could be at this point in time
2023 pretty high as we saw in the initial auction which then for
2024 some went belly up for a while.

2025 How does the mid to smaller companies, how do we
2026 reconcile and allow them to be somewhat competitive in this
2027 market? I am speaking kind of as a person who believes in
2028 supply and demand, believes in the markets, and believes in
2029 competition. But how do the mid-sized to small or
2030 medium-sized companies get involved in the game?

2031 Mr. SUGRUE. In a couple of fashions. First of all, in

ATTACHMENT E

LAW OFFICES

SHOOK, HARDY & BACON LLP

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Robert M. Gurss
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October 25, 2000

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

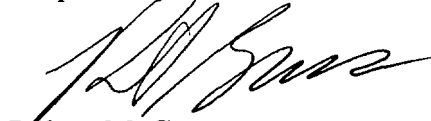
Re: WT Docket 99-87

Dear Ms. Salas:

This is to inform the Commission that the attached letter from Lyle Gallagher, President of the Association of Public-Safety Communications Officials-International, Inc. ("APCO"), was submitted today to Wireless Telecommunications Bureau Chief Thomas Sugrue, Deputy Bureau Chief Kathleen O'Brian Ham, and Public Safety & Private Wireless Division Chief D'Wana Terry.

Please contact the undersigned should the Commission have any questions.

Respectfully submitted,



Robert M. Gurss
Counsel for APCO

Attachment

cc: Kathleen O'Brian Ham, Esq.
D'Wana Terry, Esq.
John Prendergast, Esq.



APCO International

ASSOCIATION OF PUBLIC-SAFETY COMMUNICATIONS OFFICIALS INTERNATIONAL, INC.

October 25, 2000

EXECUTIVE DIRECTOR

John K. Ramsey
ramseyj@apco911.org

**APCO INTERNATIONAL
HEADQUARTERS**

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Thomas Sugrue, Chief
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

BOARD OF OFFICERS

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RE: WT Docket 99-87

Dear Mr. Sugrue:

The Commission is considering a number of issues in the above-captioned proceeding related to the statutory auction exemption contained in Section 309(j)(2) of the Communications Act, as amended by the Balanced Budget Act of 1997. The exemption is intended for "public safety radio services," which Congress defined quite broadly for this limited purpose. State and local government public safety operations are unquestionably included in that definition. However, there is some uncertainty in the statute regarding non-government services that may also have important safety-related functions. The Alarm Industry Communications Committee (AICC) of the Central Station Alarm Association has advocated in the above-captioned proceeding that its operations be included in the "public safety radio service" exemption, based on the important role that it plays in alerting public safety agencies of potential emergency situations. AICC has made clear, however, that the alarm industry does not seek access to the Public Safety Pool spectrum. Therefore, APCO reiterates that it has no objection to the alarm industry request.

Respectfully submitted,

Lyle Gallagher
President

ATTACHMENT F



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November 1, 2000

The Honorable William E. Kennard, Chairman
Federal Communications Commission
445 12th Street, SW, Room 8-B201H
Washington, DC 20554

Re: WT Docket No. 99-87

Dear Chairman Kennard:

In the above referenced proceeding, it is our understanding that the FCC is considering the auction of private radio spectrum. We are expressing our support for the request of the alarm industry that the frequencies designated by the Commission for central station use be exempted from such auctions as a safety related operation. Alarm companies use radios to detect burglaries, fire alarms and medical emergencies, and to summon emergency personnel. We believe that this is the sort of private internal radio service "used to protect the safety of life, health or property" that Congress exempted from FCC auction authority, when they amended 47 U.S.C. § 309(j)(2), as part of the Balanced Budget Act of 1997, Pub. L. No. 105-33, Title III, 111 Stat. 251. We have reviewed the positions expressed by the Alarm Industry Communications Committee (AICC) of the Central Station Alarm Association (CSAA), and understand that the alarm industry does not seek access to the spectrum allocated for public safety use, but instead is only seeking an exemption for the existing central station alarm spectrum.

An exemption would affect only a small amount of spectrum (approximately one fourth of one megahertz), and this spectrum is already restricted by FCC Rules to use for central station alarm operations, to send alarm signals, and to "communicate with police or fire stations, or vehicles . . ." 47 CFR Section 90.75(c)(40).

Respectfully,

Col. Michael D. Robinson, President
Chief Harlin R. McEwen, Chairman
IACP Communications & Technology Committee

cc: Commissioner Susan Ness
Commissioner Harold W. Furchgott-Roth
Commissioner Michael K. Powell
Commissioner Gloria Tristani
Chief Thomas J. Sugrue, Wireless Radio Bureau
445 12th Street, SW, Room 3-C252

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